

# Notice of Allowability

Application No.

09/543,207

Examiner

Adnan M Mirza

Applicant(s)

MARUYAMA ET AL.

Art Unit

2141

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/28/04.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☒ The drawings filed on 25 July 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

LE HIEU LUU  
PRIMARY EXAMINER

*Allowance*

1. Claims 1-33 will be allowed.
2. The following is an examiner's statement of reasons for allowance.

The prior art references most closely resembling the applicants claimed invention are Vaid et al (U.S. 6,502,131) and Colby (U.S. 6,006,264).

First Vaid disclosed traffic management tool performs inbound and outbound monitoring and control flows by application, source address, destination address, URL, time of day, day of week, day of month and other variations. In a specific embodiment, tool, also monitors, controls and produces reports and alarms, which can enhance a whole spectrum of traffic monitoring and control activities ranging from bandwidth/latency control to capacity planning (col. 10, lines 17-26). Vaid fails to disclose by computing a target rate ( $R_t$ ) for each customer traffic type ( $I,j$ ) that supports the outbound bandwidth usage-based service level agreements of form ( $B_{min}$ ,  $B_{max}$ ) and then admitting a portion of the inbound traffic at an admitted rate ( $R_a$ ) while rejecting at a rejected rate ( $R_r$ ) a remaining portion of the inbound traffic that if processed would cause the outbound traffic for customer traffic type ( $i,j$ ) to exceed the target rate ( $R_t$ ). These limitations are incorporated into all of the independent claims (claims 1,16,25).

Second Colby disclosed when a client send s a content request to content request is intercepted by the content-aware flow switch 110, which intercepts the request as a request to initiate a flow

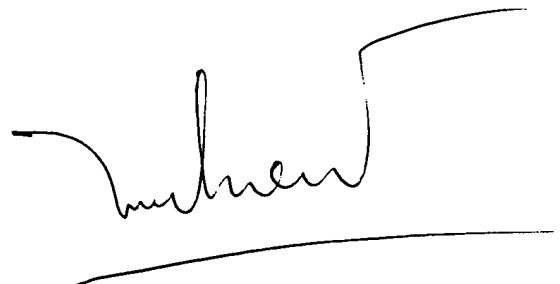
Art Unit: 2141

between the client and an appropriate server. The CSD is queried for list of available server to serve the content request. The CSD returns a list of candidate servers and the status indicator ACCEPT if the preferred server is known to be in local server farm (col. 8, lines 35-43).

However Colby fails to disclose by computing a target rate ( $R_t$ ) for each customer traffic type ( $I_j$ ) that supports the outbound bandwidth usage-based service level agreements of form ( $B_{min}$ ,  $B_{max}$ ) and then admitting a portion of the inbound traffic at an admitted rate ( $R_a$ ) while rejecting at a rejected rate ( $R_r$ ) a remaining portion of the inbound traffic that if processed would cause the outbound traffic for customer traffic type ( $i,j$ ) to exceed the target rate ( $R_t$ ). These limitations are incorporated into all of the independent claims (claims 1,16,25).

In summary, the Examiner submits that there is no motivation to combine the aforementioned references; therefore, claims 1-33 have been deemed allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".



LEIFENG LOU  
PRIMARY EXAMINER